



Entered on Docket  
January 04, 2008

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199  
Email: sfreeman@lrlaw.com  
Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re: )  
)  
USA COMMERCIAL MORTGAGE )  
COMPANY, )  
)  
USA CAPITAL REALTY ADVISORS, )  
LLC, )  
)  
USA CAPITAL DIVERSIFIED TRUST )  
DEED FUND, LLC, )  
)  
USA CAPITAL FIRST TRUST DEED )  
FUND, LLC, )  
)  
USA SECURITIES, LLC, )  
Debtors. )

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: December 20, 2007  
Time: 9:30 a.m

**Affecting:**

☐ All Cases

**or Only:**

- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**ORDER SUSTAINING SEVENTH OMNIBUS OBJECTION  
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF  
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-01431  
FILED BY BARTKOWSKI FAMILY TRUST, PROOF OF CLAIM 10725-01551  
FILED BY JAYEM FAMILY LP AND PROOF OF CLAIM 10725-01554 FILED BY  
CAROLE TALAN**

The USACM Liquidating Trust (the "USACM Trust") filed its Seventh Omnibus Objection to Claims for Lack of Documentation [DE 5369] (the "Objection") on November 19, 2007. Appropriate notice of the Objection was given. Responses to the Objection were raised as follows:

- On December 4, 2007, Bartkowski Family Trust ("Bartkowski Trust") provided documentation to support Proof of Claim No. 10725-01431. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5511]. The Bartkowski Trust's claim is not included in Exhibit A attached and is not affected by this Order.
- On December 4, 2007, Jayem Family Trust ("Jayem Trust") provided documentation to support Proof of Claim No. 10725-01551. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5513]. The Jayem Trust's claim is not included in Exhibit A attached and is not affected by this Order.
- On December 4, 2007, Carole Talan ("Talan") provided documentation to support the Proof of Claim No. 10725-01554. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5512]. Talan's claim is not included in Exhibit A attached and is not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30 a.m. Good cause appearing, it is

1 ORDERED:

2 • Sustaining the USACM Trust's Seventh Omnibus Objection to Claims for  
3 Lack of Documentation except to the extent the USACM Trust has withdrawn that  
4 objection; and

5 • Disallowing the Proofs of Claim listed on the attached Exhibit A without  
6 prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a  
7 particular loan.

8 ###

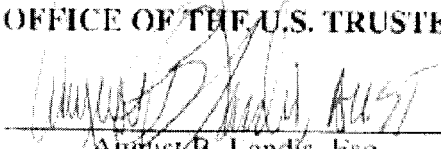
9 PREPARED AND SUBMITTED:

10 LEWIS AND ROCA LLP

11 By: /s/ RC (#0006593)  
12 Susan M. Freeman  
13 Rob Charles  
*Attorneys for USACM Liquidating Trust*

14 APPROVED:

15 OFFICE OF THE U.S. TRUSTEE

16   
17 \_\_\_\_\_  
18 August B. Landis, Esq.  
19 Scott A. Farrow, Esq.  
20 300 Las Vegas Boulevard, Suite 4300  
21 Las Vegas, NV 89101  
22  
23  
24  
25  
26

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented  
4 parties who have appeared at the hearing regarding this matter and/or who filed  
a written objection and each has:
- 5 ☒ approved the form of this order;
- 6 ☐ waived the right to review the order;
- 7 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 8 ☐ failed to sign and return this proposed order within five (5) business days  
in accordance with LR 9021(b).
- 9 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented  
10 parties who appeared at the hearing regarding this matter and/or who filed a  
written objection and all have either approved the form of this order, waived the  
11 right to review the order, failed to file and serve papers in accordance with LR  
9021(c) and the following have disapproved the form of the order.
- 12 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

13 **LEWIS AND ROCA LLP**

14 By: /s/ RC (#0006593)  
15 Susan M. Freeman  
16 Rob Charles  
*Attorneys for USACM Liquidating Trust*

**ORDER SUSTAINING SEVENTH OMNIBUS  
OBJECTION OF USACM LIQUIDATING TRUST TO  
PROOFS OF CLAIM FOR LACK OF  
DOCUMENTATION  
BK-S-06-10725-LBR**

| <u>Creditor Name</u>  | <u>Claim No.</u> | <u>Date Filed.</u> | <u>Amount</u> |
|---|------------------|--------------------|---------------|
| Di Jorio, Richard<br>856 Nonie Street<br>Santa Rosa, California 95403                                 | 10725-01475      | 11/20/06           | \$50,000.00   |
| Ayers, C. Donald<br>P.O. Box 605<br>Islamorada, Florida 33036-0605                                    | 10725-01491      | 11/27/06           | \$12,951.80   |
| Lily Markham & Irene Anne<br>Markham-Tafoya JT WROS<br>7746 Foredawn Drive<br>Las Vegas, Nevada 89123 | 10725-01521      | 11/29/06           | \$30,000.00   |
| Huff, Charles E. & Vana J.<br>3426 Pino Circle<br>Las Vegas, Nevada 89121-4027                        | 10725-01550      | 12/7/06            | \$104,746.00  |
| Kathy John & Tina Eden JT WROS<br>57 Poinsetta Drive<br>Ormond Beach, Florida 32176-3518              | 10725-01556      | 12/6/06            | \$30,000.00   |
| Kathy John & Tina Eden JT WROS<br>57 Poinsetta Drive<br>Ormond Beach, Florida 32176-3518              | 10725-01557      | 12/6/06            | \$32,000.00   |
| Kathy John & Tina Eden JT WROS<br>57 Poinsetta Drive<br>Ormond Beach, Florida 32176-3518              | 10725-01558      | 12/6/06            | \$25,000.00   |

**EXHIBIT A**